



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY  
WD WT 02- 25  
August 12, 2002

Iain C. Guthrie  
400 New Boston Road  
Greenfield, NH 03047

RE: Violations of RSA 482-A:6 and RSA 485-A:17  
New Boston Rd., Greenfield, NH

Dear Mr. Guthrie:

On July 15, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located in Greenfield, New Hampshire, more specifically identified on Town of Greenfield Tax Map R-7 as Lot 23-1 ("the Property"). The purpose of this inspection was to determine compliance with RSA 482-A:6, NH Admin. Rules Wt 100 *et seq.*, RSA 485-A:17 and Env-Ws 415.

Based upon a review of documents on file with DES and the field inspection, the following deficiencies were documented:

- a. Erosion control measures were not properly installed on the Property.
- b. The disturbed area was not stabilized.
- c. Sediment had entered wetlands on the perimeter of the fill area (the road).
- d. Sediment had entered the perennial stream on the Property.
- e. An Alteration of Terrain permit has not been issued by DES for work that has been done on the Property.

In response, you are requested to take the following action.

1. Within 5 days of this Letter of Deficiency ("LOD"), prepare an erosion and sediment control plan ("the Plan") for the Property, and submit said Plan to DES for review. The Plan shall include a schedule for implementing the measures described in the Plan.
2. Implement the Plan on the Property, as approved by DES, in accordance with the approved schedule.
3. Within 10 days of this LOD, submit an application for an alteration of terrain permit to DES for the Property.
4. Within 20 days of receipt of this LOD, submit a wetlands restoration plan to DES for review and approval. The restoration plan shall be prepared by a certified wetland scientist, and include provisions for restoration of the wetland and surface waters

impacted by activities on the Property. The following shall be submitted with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
    - i. existing conditions on the sites, with wetland boundaries and land topography; and
    - ii. proposed conditions after reestablishing the jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration areas;
  - d. A description of the proposed construction sequence, equipment. methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for one successive growing season following completion of the restoration project.
5. Retain a qualified wetland scientist to supervise the implementation of the restoration plan prepared in accordance with item #4 above and to submit the restoration progress reports.
6. Implement the restoration plan proposed in accordance with item #5 above only after receiving written approval and as conditioned by DES.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Following completion of the necessary work, please submit a letter to DES certifying that the work requested in this Letter of Deficiency has been completed and provide DES with photographs documenting each stage of the work. Submit your report and photographs to:

Mary Ann Tilton  
Wetlands Bureau  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Ana Ford at (603) 271-3380.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Ann Tilton', is written over a faint, rectangular stamp.

Mary Ann Tilton,  
Senior Enforcement Officer  
Wetlands Bureau

cc: **Gretchen C. Rule, DES Legal Unit**  
Charles Knox, DES Public Information Office  
Town Greenfield Conservation Commission  
Town of Greenfield Board of Selectmen